

SENATE BILL 1124  
By Jackson

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, relative to sport shooting ranges.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-316, is amended by deleting the section in its entirety and by substituting instead the following:

(a) As used in this section, unless the context otherwise requires:

(1) "Local unit of government" means a county, municipality, metropolitan government, or other entity of local government;

(2) "Person" means an individual, proprietorship, partnership, corporation, club, or other legal entity; and

(3) "Sport shooting range" or "range" means an area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or any other shooting activity.

(b)

(1) Notwithstanding any other provision of law to the contrary, a person who operates or uses a sport shooting range in this state is not subject to civil liability or criminal prosecution for noise or noise pollution, nuisance, or on any

claim not involving physical injury to another human resulting from the operation or use of the range if the range is in compliance with any noise control laws, resolutions, ordinances, or regulations, issued by a local unit of government, that applied to the range and its operation at the time the range was constructed and began operation.

(2) A person who operates or uses a sport shooting range is not subject to an action for nuisance, abatement, or any other proceeding and shall not be enjoined from the use or operation of a range on the basis of nuisance, including but not limited to, noise or noise pollution, if the range is in compliance with any noise control laws, resolutions, ordinances, or regulations, issued by a unit of local government, that applied to the range and its operation at the time the range was constructed and began operation.

(3) A person who subsequently acquires title to or who owns real property adversely affected by the use of property with a sport shooting range shall not maintain any action against the owner of the range to restrain, enjoin, or impede the use of the range except to the extent allowed by this act.

(4) Rules or regulations adopted by any state department or agency for limiting levels of noise in terms of described level which may occur in the outdoor atmosphere shall not apply to a sport shooting range exempted from liability under this section.

(5) Notwithstanding any other provision of law to the contrary, nothing in this section shall be construed to limit civil liability for compensatory damage arising from physical injury to another human, physical injury to tangible personal property, or physical injury to fixtures or structures placed on real property.

(c) To the extent that any sport shooting range has been issued permission, whether by special exception, variance, or otherwise, by any entity having zoning or

zoning appeal authority to operate as a range, the right to operate as a range shall not be amended, restricted, or terminated due to a change of circumstances regarding the use of adjacent or surrounding properties.

SECTION 2. This act shall take effect July 1, 2003, the public welfare requiring it.